

**Acte concerning the citie of  
Chester, for weales in the riuer of Dee.**

**Chapter.**



**C**hester make humble wisse, sheweth unto  
your royal highnes, your true faithful  
and obedient subjects the Mayor, Al-  
dermen, Sherriffes, Commonalties, and  
Inhabitantes of your graces citie of  
Chester, that whiche the said citie is one  
of the chiefest Cities within your  
realme, wherby the townes and con-  
treys adioyning, haue heretofore had  
greate relief, comoditie, and profite,  
and as the said kepe a defence in those  
partes, to furnish and serue your grace  
in all your affaires, and weightie busi-  
nesses, your realme of Yelande and Scottlande, and hath no other  
aid or helpe, wherby the said citie is chiefly maintained, but by the  
riuer of Dee running and comyng to the said citie, and the haven there  
very shallow and daungerous for all shippes and vessels, to repaire  
and make the said riuer, so that as well the inhabitantes of the same,  
as all strangers at this daie, with their wares and merchaundises do  
not made or have recourse ther, as they heretofore were accustomed to do,  
to the greate detriment of the same. And forasmuch as diuerse persones  
hauing landes adioyning to the same riuer of Dee, for their private lu-  
cre and commoditye, not regarding the common weale of the whole coun-  
treys and citie, haue heretofore made, reared, and caused to be fered  
and set up, in and alonge ouer the said riuer of Dee, sondre weares, go-  
res, gates, hedges, piles, gates, fether gates, nettes, and other engines, for  
catching of fishe within the said riuer, and still do preferue, kepe, & main-  
tein the same: By reason wherof the merchauntes, and other inhabitan-  
tes of the said citie, cannot haue recourse, ne libertie and direct passage,  
in and vpon the said riuer, with their Cogges, kielles, Boates, skutes,  
or barding timber, sawell, and other timber for making of shippes, and  
vesselles for the conueighing and bying of the same, and other their  
wares and merchaundises by water, in, to, and from the maine lande or  
countrey, neither also the inhabitantes of the countrey there, can conue-  
niently haue any passage to comyn, come, or bying by water, by, or  
downe, to, or from the said citie, any sawell timber, comyn, or other thyng  
necessary to serue the said citie, but onely by lande, by the whiche their  
trauvel and recorde, by lande to the markettes, faires, and all other ty-  
mes, the high wayes and lanes, are not onely so foule and deape, that no  
person in the winter tyme, can easily escape the annoyauce and daunger

a.j.

therof

ANNO. III. R. III.

theredof, to come to theſaid citee, to byng, victuall, wares, and mercha-  
dizes, whiche cauſeth greate ſcarcitie, want and dearch thereof: but alſo  
the broode and rite of Salmon, and other fiſhe in theſaid riuer, is, and  
be commonly thereby deſtroyed, whiche ſaid inconueniences, incommo-  
dities and other enozmities, as heretofore haue been expreſſed, is, hath  
been, by reaſon theſaid citee, being parcell of the Countie Salentine of  
Cheſter, hath been alwaies exempted, excluded, and ſeparated from your  
high court of Parliament, to haue any Burgeſes for theſaid citee with-  
in this honourable Courte, till now of late, at the Parliament holden at  
Weſtmiſter, in the. xxix. yere of the reigne of your late father of moſte  
famous memoꝝ kyng Henry the eight. By reaſon whereof theſaid citee,  
and inhabitauntes, haue hether to ſuſtained manifold diſheriſons, loſſes  
and daungers, and this theſaid citee is like to be vterly empoueriſhed  
go to decaye, and vter ruine and deſtruction, onleſſe ſpedy remedy bee  
in that behalfe moſtly had and provided. And for that euery citee of En-  
glande, hath the commoditie of the riuers and greate waters, commyn-  
g to their citees, to haue free paſſage, to transport, conueigh, and byng by  
and downe, at their pleaſure and libertie, all wares and other thynges,  
behouefull and neceſſary for them: but onely your graces citee of Che-  
ſter, for redreſſe and reſormacion whereof, pleaſeth it your moſte royall  
maieſtie, that it maie be enacted by your ſaid maieſtie, with the aſſent of  
the lordes ſpirituall and Tempozall, and the Commons in this preſent  
Parliament aſſembled, and by the auctoritie of theſame, that all and eu-  
ery maner of perſones, of what eſtate, degre, or condicion, ſoeuer be or  
thei be, that heretofore haue reared, fixed and ſet, or hereafter ſhall reare,  
fixe or ſet, in, or ouer theſaid riuer or water of Dee, any weages, gozes,  
floudgates, hedges, fiſhe gates, piles, ſtakes, nettes or other, engine, ſtr  
your graces fullyng milles, vpon theſaid riuer of Dee at Cheſter, by-  
ward theſaid riuer of Dee, vnto your towne of Cozwpn, in your coun-  
tie of Merioneth, ſhall afore the firſt daie of Aprill nexte commyn-  
g, and at all tymes after theſaid firſt daie of Aprill, leaue and permit, and ſuf-  
fre to bee made and leſte, the third parte of theſaid ſtreame or water of  
Dee, for a free paſſage, in, and vpon theſaid water of Dee, for all maner  
of ſlotes of wodde, boꝝdes, timber, boates, barges, cogges and ſkeles, la-  
den and vnladen, and al other cartage, to paſſe and repaſſe, vpon theſaid  
riuer, in all places betwene the kynges ſaid fullyng milles at Cheſter,  
and theſaid towne of Cozwpn, frankly, without let or impediment of a-  
ny perſone or perſones: and that the citezens of your citee of Cheſter, for  
the tyme being, and all and euery other perſone and perſones, at their  
awne coſtes, maie and ſhall, from tyme to tyme, and at all tymes, as of-  
ten as oportunitie and nede ſhall requyre, by their industrie and pollicie  
and by all the reaſonable waies and meanes thei can, cleuſe, cutte, digge  
cary, and caſt vpon the lande, to theſaid riuer adioynyn-  
g, all ſuche and  
euery ſande beddes, grauell ſtones, and rockes in theſaid riuer, whiche  
be,

be, or shalbe prejudiciall, nor some or hurtfull to the passage, repassage, and cartage vpon thesaied riuer, within the boundes aforesaid. And also shall and maie, dooe and execute at all tymes, at their awne costes: all and euery reasonable thyng and thynges, act and actes, wherby thesaied riuer maie be clenfed, or made deeper, and the streame & water therof, to haue a moze higher, better, and directer course & passage; doyng as litle hurte to the soyle and ground, wherupon thei shall cast thesame, as thei reasonably maie deuise. And that it maie be further enacted, and established, by the aucthoritie aforesaid, that if thesaied third part of thesaied water of riuer of Dee, be not sufficient for suche cartage, passage, and repassage, as is aforesaid: that then the lord Chauncelloz of Englande, for the tyme beeyng, maie from tyme to tyme, vpon complaint to hym made, by suche partie as shalbe greued, directe the kynges Commission vnder the greate seale of Englande, to sixe Commissioners, wherof thre to be of the counsaill of the marches of Wales, and the other thre, to be of the honest inhabitauntes of thesaied citee of Chester. And that thesaied commissioners or fower of theim, whereof twoo to bee of thesaied counsaill, shall haue full power and aucthoritie, by vertue of this saied act, at the costes of thesaied citizens, from tyme to tyme, to appoynt suche conuenient waie and passage, vpon thesaied riuer, within thesaied boundes, and of suche widenesse and depth, ouer and besides, thesaied thied part of thesaied riuer of Dee, as to theim shall seme mete and conuenient. And that thesaied commissioners, or fower of theim, whereof twoo of theim to be of thesaied counsaill, shall haue full power and aucthoritie, by vertue of this present act, to appoynt a line waie, for menne to drawe bpward and douneward, boates, cogges, and other cartage, vpon thesaied riuer of Dee, within the boundes aforesaid: thesaied drawes to go vpon suche side and sides, of thesaied riuer, and in suche place & places, and thesame line waie, to bee of suche widenesse or bredth, & in suche maner and forme as thesaied Commissioners, or fower of theim, whereof twoo of theim, to be of thesaied counsaill, by their discrecions shall appoynt, and thynke mete and conuenient, from tyme to tyme: and thesame line waie, or order to chaunge and redresse, and to appoynt some other lyne waie, or order thereof (if thei shall se cause) as to their discrecions shall seme mete and expedient: thesame line waie, to bee made at the costes of the citizens of Chester aforesaid, for the tyme beeyng. And that all and euery persone and persones, shall permit and suffer, suche line waie, so appoynted to be occupied, vled, and exercised accoordingly, without let, interrupcion, or impediment, of any persone or persones, in suche maner and forme, as is vled vpon the riuer of Chamis, where the Westerne Barges vse to haue passage and repassage. And that euery persone and persones, shall permit and suffre, euery suche order and direccion, as shalbe so made by thesaied commissioners, or fower of theim (whereof twoo of theim to be of thesaied counsaill) to stande, remain, and take force, from tyme to tyme.

a. ii.

And



ANNO. III. & IIII.

And that it maie be further enacted, by the aucthoritie aforesaid, that if any persone or persones, after the said first date of April, and after proclamation, made by the said commissioners, or any of them, in the foresaid citie of Chester, the market dates, after the making and appoynting, of their said ordinaunces and diuises, to the appoynted by this present act, will, or shall willingly infringe, or breake any popnet, article, clause, prouision, or ordinaunce, contained and specified in this present act, or to bee made, ordeined or prouided, by aucthoritie of this present acte: that then every persone and persones, so willingly offending, after suche proclamacions, shall lose and forfeit for every tyme so offending, the some of one hundred shillings, wherof the one halfe to be to your maiestie, your heires or successours, and the other halfe to hym or them, that will sue for the same by action of debt, bill, plaint, or information in any court or courtes of record within your realme, in whiche sute, no wager of law essorn or protection, shall be admitted ne allowed, and shall further abide suche punishment and correction, as by the said commissions, or four of them, shall be thought and determined, to be mete and convenient.

Provided alwaies, and bee it further enacted, by the aucthoritie aforesaid, that the said third parte of the riuer of Dee, to bee left or made for passage, repassage, and cartage, as is beforesaid, shall be left, taken, and made, where, and in suche places, as any weares or milles, be now standing upon the said riuer, within the boundes aforesaid, on the farther side of the said streame or riuer, from the dwelling houses or milles, of the owners and enhabitors of the said weares or milles.

Provided also, and be it further enacted, by the aucthoritie aforesaid, that all and every suche persone and persones, as lawfully now haue any weares, within the said riuer of Dee, shall, and maie, from tyme to tyme, set, hang, or laie, his or their nettes, in the said third part of the said riuer, where the said weares be now standing. And that it shall be lawfull to all and every suche persone and persones, as shall come with any boates, vessels, or other the thynges aboue mentioned, from tyme to tyme, and at all tymes, to louse, vndoo, and vntie the one ende, of all and every suche nettes and ropes, so as thei and every of them, maie haue their free passage, repassage, and cartage, upon the said riuer of Dee, by and downe the said riuer, without let, vexacion, or impechement, of any persone or persones, of, or for the same: this act, or any other thyng therein contained, to the contrary in any wise notwithstanding.

Provided alwaies, and it is ordeined and enacted, by the aucthoritie aforesaid, that no maner of mille, mill dammes, weare, kedell, or fishe garthes, shall be pulled downe, abated or destroyed, by vertue of this acte, before that aswell the kynges Maiestie, as all and singular persones and person, whiche shall haue good and lawfull title or interest, in, or to suche milles, mill dammes, weares, kedelles, and fishe garthes, or mille, weare, kedell, or fishe garthe, as shall be appoynted to be pulled downe, abated

or destroyed, by meane of this act, shalbe recompensed by the inhabitantes of thesaid citee of Chester, or by the meanes of some of them for suche dammages and losse, as he or thei shall sustein, by occasion of pulling doune, abatynge or destroyng, of any milles, mille dammes, weares, kedelles, and fishedarthes, or of any mille, mille damme, weate, kedell, or fishedarthe, in suche maner and forme, as shalbe limited or assigned, by foure persones or moze, then beyng of the kynges counsaill, in the marches of Wales, or in their default or negligence, by the lord Chauncelloz of Englande, or lord keeper of the greatescale of Englande, the lord Threasurer of Englande, the lord great Maister, of the kynges moste honourable household, and the lord keeper of the kynges priue scale, for the tyme beyng, or two of them at the least, wherof the lord Chauncelloz, or the lord Threasurer to be one, or els every persone dampnified in that behalfe, to haue like action and remedy, as he or thei might haue had, befoze the makynge of this act, any thyng aboue mencioned, to the contrary in any wise notwithstanding, thesaid recompence to bee made, to suche persone and persones, as shall haue iust title or interest in the thyng or thynges, that shalbee pulled doune, abated or destroyed, at the tyme thesame shalbe appoynted so to be.

Whouded also, and it is ordeined and enacted, by the auctoritie aforesaid, that all and singuler persone and persones, whiche at any tyme hereafter shall dampnifie, hurte, or hinder, any other person or persones by occasion of cuttynge doune, of any tree or trees, growynge vpon his or their ground, or of carryng, carryng, or layng of any stones, pybles, grauell, or sande, vpon the lande of any other, by meane of this acte shalbee bounden, by vertue of this act, to make suche reasonable amēdes for the same, as by foure or moze of thesaid counsaill, and in their default or negligence, by the Lordes aboue mencioned, or twoo of theim, wherof the lord Chauncelloz, or lord Threasurer to be one, shalbe limited or assigned to be made, and if default shalbe of makynge of suche amēdes,

as so shalbe limited or assigned, that then every persone, dampnified or hindered in that behalfe, shall haue like action and remedy for thesame, as he or thei might haue had, if this act had neuer been had or made, any thyng afoze specified, to the contrary in any wise notwithstanding.

**¶ God saue the Kyng.**

RICHARDVS GRAFTONVS,

typographus Regius excudebat.

*Mense Martio.*

Anno M.D.LI.

*Cum privilegio ad imprimendum solum.*